IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.77041-M of 2006
Date of Decision:- 13.03.2007

Jagdeep @ Kala ....Petitioner(s)

through
Mr.N.S.Dhillon, Advocate.

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr.DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner, who is a life convict for an offence under Section 302/34 IPC, is aggrieved at the order dated 21.11.2006 (Annexure P-1) passed by the Director General of Prisons, Haryana whereby he has been denied temporary release on parole for agricultural purposes on the ground that there is no agricultural land in possession of the petitioner.

The petitioner, however, relies upon a copy of mutation register (Annexure P-2) which reveals that there is an agricultural land owned by the father of the petitioner, namely, Rajinder Parsad.

Under Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 a prisoner is required to be in cultivating possession of the agricultural land either owned by himself or his father's undivided agricultural land. It is quite possible that prior to his conviction, he was also in cultivating possession of the undivided agricultural land owned by his father. Unfortunately, the aforesaid aspect of the matter has not been considered by the concerned authorities.

Consequently, this petition is disposed of with a direction to the

Director General of Prisons, Haryana to reconsider the petitioner's case after getting it reverified as to whether or not immediately prior to his conviction, the petitioner was in cultivating possession of the undivided agricultural land owned by his father. Necessary exercise shall be carried out within two months from the date a certified copy of this order is received.

Disposed of.

March 13, 2007 **(SURYA KANT)**
poonam **JUDGE**